



IN THE MATTER OF:

WILLIE SIMS,

Complainant,

and

PINNACLE LIMITED PARTNERSHIP,
d/b/a HILTON SPRINGFIELD,

Respondent.

CHARGE NO: 2000SF0570
EEOC NO: 21BA 01662
ALS NO: S11518

This matter comes to me on review of the file. On November 13, 2001, I conducted a telephone status conference in this matter. During the conference Complainant indicated he did not want to proceed to a public hearing. Further, Complainant stated he no longer wished to pursue the case against Respondent in any manner because he had relocated to Tennessee. Accordingly, the procedure for dismissing a case was explained to Complainant and he indicated he would file a motion for voluntary dismissal before December 14, 2001. To date, Complainant has not filed a motion for voluntary dismissal or requested additional time to do so.

1. On July 14, 2000, Complainant filed a charge of discrimination against Respondent with Illinois Department of Human Rights (Department).
2. On April 23, 2001, the Department filed a Complaint of Civil Rights Violation on Complainant's behalf alleging the Complainant was aggrieved by practices of race discrimination, prohibited by section 2-102(A) of the Illinois Human Rights Act.
3. On May 30, 2001, Respondent timely filed an Answer to the Complaint.

4. On November 13, 2001, I conducted a telephone prehearing conference in this matter during which Complainant indicated he did not want to proceed to a public hearing in this matter because he had relocated to Tennessee. Further, Complainant indicated he would file a motion for voluntary dismissal to dismiss the case and the charge against Respondent.
5. To date, Complainant has not filed the motion for voluntary dismissal.

Conclusions of Law

1. Complainant and Respondent are both subject to the Illinois Human Rights Act and to the Jurisdiction of the Illinois Human Rights Commission.
2. A complaint may be dismissed when a party fails to comply with orders, fails to appear for hearings, or otherwise protracts and impedes the prosecution of his or her case.

Determination

The Complaint and underlying Charge of discrimination should be dismissed with prejudice for Complainant's unreasonable delay and failure to prosecute this matter.

Discussion

The procedural rules of the Illinois Human Rights Commission authorize the Commission to dismiss a case where a Complainant protracts and impedes the prosecution of his case. *56 Ill. Admin. Code, ch. XI, § 5300.750(e)*.

In this case it is clear that Complainant has protracted the prosecution of his case. During a telephone conference I conducted with both parties, Complainant clearly indicated his intent not to proceed to hearing and to dismiss this case. However, Complainant has not filed the proper motion to dismiss his case, thereby protracting further prosecution or disposal of his claim. Under these circumstances, it is apparent that Complainant has no interest in pursuing his claim against Respondent and a dismissal is now warranted.

Recommendation

Based on the findings of fact and conclusions of law, I recommend that the Complaint of Willie Sims v. Pinnacle Limited Partnership d/b/a Hilton Springfield and the underlying Charge number 2000SF0570 be dismissed with prejudice.

ILLINOIS HUMAN RIGHTS COMMISSION

KELLI L. GIDCUMB
Administrative Law Judge
Administrative Law Section

ENTERED THIS 4TH DAY OF MARCH, 2002.